

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICARDO RODRIGUEZ,)	Docket No. 18 CV 7951
)	
Plaintiff,)	
)	
-vs-)	Chicago, Illinois
)	March 2, 2021
REYNALDO GUEVARA, et al.,)	9:30 o'clock a.m.
)	
Defendants.)	

TRANSCRIPT OF PROCEEDINGS - Telephonic Status
BEFORE MAGISTRATE JUDGE SUSAN E. COX

APPEARANCES:

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1 (The following telephonic proceedings were held
2 remotely:)

3 COURTROOM DEPUTY: Case number 18 CV 7951,
4 Rodriguez versus Guevara.

09:42AM 5 THE COURT: Go ahead and enter your appearances,
6 please.

7 MS. BRADY: Good morning, your Honor. This is
8 Rachel Brady and Tara Thompson on behalf of the plaintiff.

09:42AM 9 MR. ENGQUIST: Good morning, your Honor. Josh
10 Engquist on behalf of defendants Halvorsen, Curley, Biebel,
11 Mingey, Epplen, and Sanders.

12 THE COURT: Okay.

13 MS. McGRATH: Good morning, your Honor. Megan
14 McGrath on behalf of the defendant Guevara.

09:42AM 15 THE COURT: Okay.

16 MS. ROSEN: Good morning, your Honor. Eileen Rosen
17 on behalf of defendant City of Chicago.

09:43AM 18 THE COURT: Good morning to all of you. So I have
19 a motion from the defense to limit the 404(b) witnesses. And
20 is it true, plaintiff's counsel, that you've disclosed 250
21 possible 404(b) witnesses?

09:43AM 22 MS. BRADY: Your Honor, yeah. We submitted, per
23 defendant's request, in this Court's honor -- this Court's
24 order a list of witnesses who we think fit the profile of
25 somebody who could be a 404(b) witnesses -- witness.

1 We're --

2 THE COURT: Well, that's actually --

3 MS. BRADY: -- certainly --

4 THE COURT: Well, you're not -- we're not going to

09:43AM 5 have 250 404(b) witnesses. And my order did not in any way

6 or at least I didn't believe when I entered that order that

7 you would be -- that you would actually disclose this many so

8 I'm going to grant this motion. I think it's important to

9 disclose. I'm going to give you up to ten. That's

09:44AM 10 consistent which seems to be with the rulings of my

11 colleagues on this issue which has been pretty uniformly in

12 that neighborhood. And for each of those witnesses, I want

13 you to disclose exactly what topics they are testifying about

14 and how it constitutes 404(b) testimony so that there's no

09:44AM 15 surprise.

16 I mean, I don't think the City and the defense

17 should go into this -- into these witnesses for depositions

18 without knowing, sort of, where they fit in. It's

19 not ethical. It's unfair because they're -- you know,

09:44AM 20 they're witnesses that are not fact witnesses in the sense

21 that they talk about the specific allegations and they talk

22 about other things and so it's just not fair not to let the

23 defense know what those things are so --

24 MS. BRADY: Your Honor -- yeah, if I can step in

09:45AM 25 and just give a little --

1 THE COURT REPORTER: Excuse me, excuse me, excuse
2 me. This is the court reporter. Can you identify who is
3 speaking please?

09:45AM 4 MS. BRADY: Yes. This is Rachel Brady for the
5 plaintiff. So one of the issues in these cases is that our
6 firm -- between our firm and defense counsel have a number of
7 these Guevara cases going on together and that we're doing
8 coordinated 404(b) discovery in cross multiple cases. And so
9 at this point, we are, you know, hoping to be able to do, you
09:45AM 10 know, written discovery to determine which of these, you
11 know, witnesses might be appropriate 404(b) witnesses for
12 each individual case.

13 And so we're certainly not proposing to even ask
14 this Court to consider, you know, 250 witnesses at trial but
09:45AM 15 we are just identifying to the defendants that in the
16 discovery that's gone on across these cases, we've identified
17 this number of witnesses who might, you know, be --

18 THE COURT: Well, but --

19 MS. BRADY: -- be part of 404(b) discovery.

09:46AM 20 THE COURT: Well, it's still 250. I -- you know,
21 not all -- I can't imagine, even though I know that these
22 cases are -- there's a number of these cases, I can't imagine
23 that all 250 witnesses would be relevant to this particular
24 set of facts. So what I'm going to -- you know, I just -- I
09:46AM 25 don't see any reason why I shouldn't limit you so I'm going

1 to limit you. I granted the motion that -- to the extent
2 what you're going to do is you're going to tell the City who
3 these people are and what their testimony is likely to be
4 and what -- and how they fit into a 404(b) analysis in this
5 particular case so I'm going to ask you to choose one. Okay?

09:46AM 6 MS. BRADY: Your Honor, this is Rachel Brady again.
7 Is this ruling limiting us from doing written discovery into
8 these witnesses as well or is this a --

9 THE COURT: Well, what would you be doing -- what
09:47AM 10 would you be doing? What would you be doing?

11 MS. BRADY: So we -- we have not yet in this case
12 conducted written discovery into some of these individuals
13 and, you know, they've been identified through other
14 discovery throughout various other cases but we haven't been
09:47AM 15 able to conduct written discovery in this case about
16 individuals who might fit this exact type or pattern.

17 THE COURT: And from whom would you be getting this
18 discovery?

19 MS. BRADY: It would very likely be from the City,
09:47AM 20 your Honor.

21 THE COURT: Yeah; no. I mean, basically what
22 you're asking -- what you're asking me is whether or not you
23 can essentially ask the City for information about as many
24 witnesses as you want. I mean, that's not -- that's not
09:48AM 25 going to happen. I mean, I'm not going to -- I'm not going

1 to require of the City to answer written discovery about, you
2 know, hundreds of witnesses. You have to -- you have
3 to -- you know, you're going to have to narrow it down. I'm
4 sorry. That's just excessive and unproportional.

09:48AM 5 All right. Anything further?

6 MS. BRADY: Nothing from plaintiff, your Honor.

7 THE COURT: All right. So the motion is granted
8 and the ruling is as I've stated it on the record. All
9 right.

09:48AM 10 UNIDENTIFIED FEMALE SPEAKER: Thank you.

11 UNIDENTIFIED MALE SPEAKER: Thank you, your Honor.

12 UNIDENTIFIED MALE SPEAKER: Thank you, your Honor.

13 THE COURT: Thank you.

14 (Which concluded the telephonic proceedings in the
15 above-entitled matter.)

16 C E R T I F I C A T E

17 I hereby certify that the foregoing is a transcript of
18 telephonic proceedings before Magistrate Judge Susan E. Cox
19 on March 2, 2021.

20
21
22 /s/Laura LaCien
23 Official Court Reporter

March 8, 2021
DATE

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